

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RAUL R. LEMUS,

Petitioner,

v.

BUTTE COUNTY SUPERIOR COURT,

Respondent.

No. 2:23-CV-1968-DMC-P

ORDER

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner's first amended petition, ECF No. 6.

"A petitioner for habeas corpus relief must name the state officer having custody of him or her as the respondent to the petition." Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994); see also Rule 2(a), Federal Rules Governing Section 2254 Cases. In the original petition, Petitioner named "Butte County Superior Court" as the Respondent. The Court dismissed the original petition with leave to amend to name the correct respondent. In the first amended petition, Petitioner names "CRC Prison" as the Respondent. Because Petitioner still has not named the appropriate state officer, Petitioner will be provided leave to amend to correct this technical defect by naming the correct respondent. See Stanley, 21 F.3d at 360. Petitioner is warned that failure to comply with this order may result in the dismissal of this action. See Local

1 Rule 110.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Petitioner's first amended petition for writ of habeas corpus, ECF No. 6, is
4 dismissed with leave to amend;

5 2. Petitioner shall file a second amended petition on the form employed by
6 this court, and which names the proper respondent and states all claims and requests for relief,
7 within 30 days of the date of this order; and

8 3. The Clerk of the Court is directed to send Petitioner the Court's form
9 habeas corpus application.

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11 Dated: November 6, 2023



12 DENNIS M. COTA
13 UNITED STATES MAGISTRATE JUDGE
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